

CITY OF LOCKPORT
CORPORATION PROCEEDINGS

Lockport Municipal Building

Regular Meeting
Official Record

August 6, 2014
6:00 P.M.

Mayor Anne E. McCaffrey called the meeting to order.

ROLL CALL

The following Common Council members answered the roll call:

Aldermen Kibler, Lombardi, Franco, Schrader, and Genewick.

Absent: Alderman Fogle

INVOCATION BY PASTOR CHERYL A. BROWN

MAYOR'S UPDATE

RECOGNITION & PROCLAMATIONS

RECESS

Recess for public input.

080614.1

APPROVAL OF MINUTES

On motion of Alderman Kibler, seconded by Alderman Lombardi, the minutes of the Regular Meeting of July 16, 2014 are hereby approved as printed in the Journal of Proceedings. Ayes 5. Carried.

FROM THE MAYOR

Appointments:

7/15/14 Ronda L. McFall – appointed as Tax Enforcement Clerk for the City of Lockport Treasurers Department effective July 15, 2014. Said appointment is permanent and subject to the City of Lockport Municipal Civil Service rules and regulations.
Received and filed.

FROM THE CITY CLERK

The Clerk submitted payrolls, bills for services and expenses, and reported that the Department Heads submitted reports of labor performed in their departments.
Referred to the Finance Committee.

Communications (which have been referred to the appropriate City officials)

7/17/14 Sid Parish, Chairman, Navy Marine Club - request permission to conduct a family picnic at Ida Fritz Park on August 23, 2014.
Referred to the Committee of the Whole

7/28/14 David R. Kinyon, Chair, Lockport Locks Heritage District Committee - request permission to conduct a Lockport Locks Festival on October 3rd and 4th, 2014.
Referred to the Committee of the Whole

7/28/14 Dan Mullane, Buy American Committee, Local 686 UAW – request permission to conduct the 16th Buy American Day and Car Show on August 16, 2014.
Referred to the Committee of the Whole

8/4/14 Todd A. Sukdolak, Assistant Principal, Lockport High School – request permission to conduct the 2nd Annual Lock Rock 8K race on September 13, 2014.
Referred to the Committee of the Whole

Notice of Defect:

7/17/14 314 South Street – tree
7/21/14 191 Pine Street – tree
7/21/14 123 Vine Street – tree
7/21/14 209 Clinton Street – tree
7/28/14 216 Lock Street – tree
7/30/14 635 Walnut Street – tree
8/1/14 40 Livingston Place – tree
Referred to the Assistant Director of Engineering.

Notice of Claim:

7/21/14 Jacqueline Kalco, 136 Spaulding Street, Lockport, NY
Referred to the Corporation Counsel.

Notice of Petition: (To review real property tax assessment pursuant to Article 7 of the Real Property Tax Law)

7/17/14 Delphi Properties Mgmt LLC –vs- the Assessor The Board of Assessors and The Board of Assessment Review of the City of Lockport and the City of Lockport

7/28/14 FBBT/US Properties, LLC –vs- The Board of Assessment Review for the City of Lockport; The assessor of the City of Lockport and The City of Lockport, New York

7/28/14 M & M Space Inc. –vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

7/28/14 Lockport Professional Park, LLC –vs- Assessor, City of Lockport and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

7/28/14 Brenda E. O'Shaughnessy –vs- Assessor, City of Lockport and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

7/28/14 Bryan Barrett –vs- Assessor, City of Lockport, and The Board of Assessment Review of the City of Lockport, County of Niagara and State of New York

7/29/14 Raymond E. Ruhlmann III –vs- Harry Williams, Assessor of the City of Lockport, and the Board of Assessment Review of the City of Lockport

Referred to the City Assessor

MOTIONS & RESOLUTIONS

080614.2

By Alderman Genewick:

Resolved, that the Mayor and City Clerk be authorized to issue orders in favor of the claimants for payrolls, bills, and services to be paid on August 8, 2014 as follows:

General Fund	Account #001	\$ 101,013.10
Water Fund	Account #002	\$ 39,619.96
Sewer Fund	Account #003	\$ 60,632.87
Refuse Fund	Account #012	\$ 0
Payroll	Pay Date 7/24/14	\$ 590,862.57

Seconded by Alderman Kibler and adopted. Ayes 5.

080614.3

By Alderman Genewick:

Resolved, that claims authorized for payment by the Director of Planning and Development, and subsequently paid from the Community Development Escrow Account, be and the same are hereby approved.

Seconded by Alderman Kibler and adopted. Ayes 5.

080614.4

By Alderman Kibler:

Resolved, that the Mayor and Common Council do hereby extend congratulations and appreciation to the following City employees for their years of dedicated service to the City of Lockport:

<u>Employee</u>	<u>Years of Service</u>	<u>Title</u>
Patrick F. Costello	40	Asst. Fire Chief
David J. Weeks	25	Sr. Water Treatment Plant Operator
John P. Nolan	20	Police Officer
Susan E. Israel	5	Real Property Appraisal Associate

Seconded by Alderman Schrader and adopted. Ayes 5.

080614.5

By Alderman Kibler:

Resolved that the following Local Law be and the same is hereby adopted:

City of Lockport
Local Law No. 2 of the year 2014

A Local Law amending Chapter 66-4: Building Permits.

Be it enacted by the Common Council of the City of Lockport as follows:

Chapter 66-4

Building permits required. Except as otherwise provided in Subsection B of this section, a building permit shall be required for any work which must conform to the Uniform Code and/or the Energy Code, including, but not limited to, the construction, enlargement, alteration, improvement, removal, relocation or demolition of any building or structure or any portion thereof, and the installation of a solid-fuel-burning heating appliance, chimney or flue in any dwelling unit. No person shall commence any work for which a building permit is required without first having obtained a building permit from the Code Enforcement Officer. In the event work requiring a building permit is commenced prior to the issuance of a permit, the fee for the permit shall be double the regular rate set by the Common Council, or the addition of the sum of \$25.00, whichever is greater. This fee shall be in addition to any other penalty that may apply for the commencement of work without a permit.

Seconded by Alderman Lombardi. A roll call vote was taken which resulted as follows:

Alderman Fogle	VOTING	Absent
Alderman Franco	VOTING	Yes
Alderman Genewick	VOTING	Yes
Alderman Kibler	VOTING	Yes
Alderman Lombardi	VOTING	Yes
Alderman Schrader	VOTING	Yes

The Local Law was thereupon declared duly adopted.

080614.6

By Alderman Franco:

Resolved, that pursuant to their request, permission is hereby granted to the Navy-Marine Club to barricade Park Avenue from the Navy-Marine Club to Hawley Street on August 23, 2014 for their annual picnic, and be it further

Resolved, that the Assistant Director of Engineering be and the same is hereby authorized and directed to arrange for delivery of barricades to said area prior to said event.

Seconded by Alderman Genewick and adopted. Ayes 5.

080614.7

By Alderman Kibler:

Resolved, that a public hearing be held at the Common Council Meeting of August 20, 2014 starting at 6:00 P.M. in the Common Council Chambers, Lockport Municipal Building, One Locks Plaza, Lockport, NY relative to a request for a Special Use Permit made by Robert Miller, for approval for an Auto Repair Shop to be located at 2 Short Street, situated in an I-2 Zone, and be it further

Resolved, that the City Clerk is hereby authorized and directed to advertise notice of said public hearing.

Seconded by Alderman Lombardi and adopted. Ayes 5.

080614.8

By Alderman Schrader:

Resolved, that resolution # 071614.5 adopted by the Common Council at their July 16, 2014 meeting, regarding a Parvo Clinic, be and the same is hereby amended as follows:

Delete July 30th, 2014 and Insert September 10th, 2014 .

Seconded by Alderman Franco and adopted. Ayes 5.

080614.9

By Alderman Franco:

Resolved, that pursuant to their request, the Lockport Locks District Heritage Committee is hereby granted permission to conduct a Lockport Locks Festival on Friday, October 3 and Saturday, October 4, 2014. Said permission is subject to the Lockport Locks District Heritage Committee filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured.

Seconded by Alderman Schrader and adopted. Ayes 5.

080614.10

By Alderman Genewick:

WHEREAS, on June 30, 2014 the agreement with the City Assessor for the City of Lockport ended, and

WHEREAS, pursuant to the New York State Real Property Tax Law an Acting Assessor may be appointed for a term of not more than 6 months unless the Acting Assessor meets the minimum qualification standards and obtains certification as required

NOW THEREFORE BE IT

RESOLVED, that Lena Villella, be and is hereby appointed Acting Assessor effective July 1, 2014 for a period of six months, and be it further

RESOLVED, that the Acting Assessor shall receive an annual salary of \$64,000.00 with no change in her current attendant benefits.

Seconded by Alderman Lombardi and adopted. Ayes 5.

080614.11

By Alderman Genewick:

Resolved, that pursuant to their request, Amalgamated Local 686 UAW is hereby granted permission to barricade Vine Street from Walnut Street to Remick Parkway on Saturday, August 16, 2014 from 9 a.m. to 5 p.m. for their 16th Annual Buy American Day and Car Show, and be it further

Resolved, that the Assistant Director of Engineering is hereby authorized and directed to arrange for delivery of barricades to said area prior to the event.

Seconded by Alderman Schrader and adopted. Ayes 5.

080614.11A

By Alderman Kibler:

Whereas, the City applied for and received an Operation IMPACT Tools Grant, and
Whereas, revenues and activities related to the grant were not budgeted for the year 2014, now therefore be it

Resolved, that the City hereby accepts said grant and authorizes Mayor Anne McCaffrey to sign the contract and amend the budget as follows:

INCREASE:

Revenue	Public Safety Revenue/Federal (001.0001.4389.3450)	\$30,000.00
Appropriations	Personnel Services/Overtime (001.3120.0101.3450)	\$30,000.00

Seconded by Alderman Schrader and adopted. Ayes 5.

080614.11B

By Alderman Kibler:

Whereas, the City applied for and received a Purchase Equipment and Modify Office Environment Grant, and

Whereas, revenues and activities related to the grant were not budgeted for the year 2014, now therefore be it

Resolved, that the City hereby accepts said grant and authorizes Mayor Anne McCaffrey to sign the contract and amend the budget as follows:

INCREASE:

Revenue	001.0001.3389.3451	\$50,000.00
Purchase Equipment	001.3120.4375.3451	\$50,000.00

Seconded by Alderman Franco and adopted. Ayes 5.

080614.11C

By Alderman Schrader:

Resolved, that pursuant to their request, Lockport High School is hereby granted permission to conduct an 8K Road Race on Saturday, September 13, 2014, subject to approval of the race route by the Police Chief and subject to filing a certificate of insurance with the City Clerk naming the City of Lockport as additional insured, and be it further

Resolved, that the Assistant Director of Engineering is hereby authorized and directed to arrange for delivery of barricades and cones as required, and be it further

Resolved, that the Traffic Captain is hereby directed to arrange for police support for said event.

Seconded by Alderman Franco and adopted. Ayes 5.

080614.11D

By Alderman Genewick:

Whereas, the New York State Comptroller issued a Fiscal Stress Report (2013M-330) on December 20, 2013, and

Whereas, the above report identified certain loans that required review, verification and correction, and

Whereas, the loans between Funds as reflected on the financial statements is one of the areas that need to be addressed, and

Whereas, the report also suggested that certain loans that cannot be verified be written off and loans with adequate documentation to support the loan as valid be re-established, and

Whereas, the loans currently on the balance sheet and loans that are supported by adequate documentation are attached, now therefore be it

Resolved, that the loans between funds are hereby written off and the loans currently on the balance sheet and loans supported by adequate documentation are valid and enforceable and are hereby re-established as of December 31, 2014.

Seconded by Alderman Kibler and adopted. Ayes 5.

080614.11E

By Alderman Genewick:

Whereas, the Financial Restructuring Board for Local Governments is available to offer assistance to eligible municipalities and to make recommendations to improve fiscal stability, management, and the delivery of public services. In addition, the Board can offer grants and loans and serves as an arbitration panel for binding arbitration, and

Whereas, the Common Council is desirous of the City to make such application, now therefore be it

Resolved, that the Mayor, subject to Corporation Counsel approval, is hereby authorized and directed to submit an application to the Financial Restructuring Board for Local Governments.

Seconded by Alderman Schrader and adopted. Ayes 5.

080614.11F

By Alderman Schrader:

Whereas, the Engineering Department has informed the Mayor and Common Council that the East Avenue sewer is leaking raw sewage onto adjacent properties, and

Whereas, accessibility to repair site requires specialized equipment and manpower beyond the capabilities of city forces, and

Whereas, immediate repair of the leaking sewer is required to protect the environment, now therefore be it

Resolved, that the Mayor is hereby authorized and directed to declare an emergency declaration and is also hereby authorized and directed to enter into contract with Drain Doctor, 1400 College Avenue, Niagara Falls, NY 14305 to repair said sewer issue on a time and material basis plus 5% and charge to account #003.8110.4733 (Sewer Line Repairs).

Seconded by Alderman Lombardi and adopted. Ayes 5.

080614.11G

By Alderman Schrader:

Whereas, the Engineering Department has informed the Mayor and Common Council that a plug valve and rotork actuator at the Water Treatment Plant are in need of replacement and are the connection to the City's back-up water supply through Niagara County, and

Whereas, the cost to purchase and install will be \$21,115. The City is responsible to pay \$1,074 to be charged to account # 002.8340.4725.0203, the difference will be paid through Niagara County and a reimbursable grant. Therefore be it

Resolved, that the Common Council transfer funds from account #002.8310.0270 to account #002.8340.4725.0203 in the amount of \$21,115 plus a 10% contingency, and authorize the Mayor to execute contract with Koester Associates, 3101 Seneca Turnpike, Canastota, NY 13032.

Seconded by Alderman Franco and adopted. Ayes 5.

080614.12**ADJOURNMENT**

At 6:28 P.M. Alderman Kibler moved the Common Council be adjourned until 6:00 P.M., Wednesday, August 20, 2014.

Seconded by Alderman Lombardi and adopted. Ayes 5.

RICHELLE J. PASCERI
City Clerk